

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO. 352/2007
(Madhu Ramdeo V/s P.K.Birla)

Date of Order : 17/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioner.
Mr. Varun Gupta for the respondent.

BY THE COURT:-

By the instant criminal revision petition under Section 397 Cr.P.C., the petitioner has challenged the order dated 09.3.2007 passed by Additional Chief Judicial Magistrate, No.3, Jodhpur (for short 'the trial court' hereinafter), whereby the application filed on behalf of the petitioner under Section 311 Cr.P.C. was dismissed.

I have carefully gone through the memo of petition, impugned order as also the statements of witnesses so far recorded.

A similar application came to be filed by the

petitioner on 17.1.2006 under Section 311 Cr.P.C. on the same facts which came to be dismissed by the trial court long back. That order has not been challenged and as such has attained the finality. Again on the same facts, the petitioner seeks recalling of the witness. In my view, the order passed by the trial court earlier has attained finality and therefore, moving such an application again and again is nothing but abuse of the process of the Court. The trial court was justified in dismissing the application.

No case for interference is made out. The revision petition is dismissed. Interim order stands vacated.

(H.R.PANWAR),J.

rp